

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PEYTON ERWIN EIDSON,

Defendant.

Case Nos. [88-cr-00021-SI-1](#)
88-cr-00168-SI
17-cr-00490-SI

**ORDER DENYING REQUEST TO
SUSPEND SENTENCE**

After entering into a plea agreement on January 5, 2018, defendant Peyton Erwin Eidson was convicted in this Court of one count of conspiracy to distribute and possession with intent to distribute marijuana, in violation of 21 U.S.C. § 846 (Case No. 88-cr-21, Count Two), and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A (Case No. 17-cr-490, Count Five). In May 2018, the Court sentenced him to twelve months in prison for the marijuana count and twenty-four months in prison for the identity theft count, to be served consecutively.

In December 2018, defendant filed a letter with the Court “request[ing] the court to reconsider [his] case and suspend the one year sentence for conspir[a]cy to import and distribute marijuana.” Case No. 88-cr-21, Docket No. 651; Case No. 17-cr-490, Docket No. 51. The Court DENIES the request as framed.

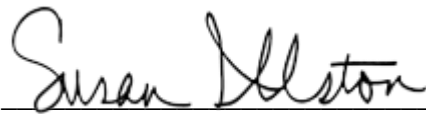
Defendant does not identify the source of law for his request. This is important because when he entered into the plea agreement, defendant agreed to give up his right to file any collateral attack on his sentence, including a petition under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that he reserved his right to claim his counsel was ineffective. *See* Case No. 88-cr-21, Docket No. 633 ¶ 5. He also agreed not to seek relief under 18 U.S.C. § 3582. *Id.* Defendant’s letter asks that the Court reduce his sentence based on a number of considerations but not because of a claim that his

1 counsel was ineffective. Although there are methods for a defendant to petition the Federal Bureau
2 of Prisons for early release or a reduction in sentence based on, among other factors, age and medical
3 condition, the Court cautions that these methods may be unavailable to defendant because of his
4 plea agreement.

5 In sum, the request that defendant makes in his December 2018 letter to the Court is
6 DENIED. Should defendant choose to file a new letter to include the source of legal authority for
7 his request and any other supporting information, the Court will review the letter and may at that
8 point order the government to respond.

9
10 **IT IS SO ORDERED.**

11 Dated: January 9, 2019

12 

13 SUSAN ILLSTON
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28